

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

In re:

1427 43 ST LLC,

Debtor.

Chapter 11

Case No. 23-41160-nhl

**[PROPOSED] ORDER TO SHOW CAUSE PERMITTING RECEIVER TO  
REMAIN IN PLACE PENDING FULL HEARING ON THE RECEIVER POSSESSION  
MOTION AND DIRECTING DEBTOR TO REFRAIN FROM INTERFERENCE**

**THIS MATTER**, having been brought before the Court by Polsinelli PC, attorneys for secured creditor U.S. Bank National Association, as trustee for the registered Holders of Wells Fargo Commercial Mortgage Securities, Inc. Multifamily Mortgage Pass Through Certificates, Series 2018-SB51 (“**Lender**”) by way of Emergency Motion for an Order to Show Cause (the “**Emergency Motion**”); and

**UPON READING AND FILING** the Motion in support of the Order to Show Cause, the Affirmation of Morgan C. Fiander, Esq. in Support of the Order to Show Cause, the exhibits thereto, and upon all prior pleadings and proceedings heretofore had herein, including the Motion for an Order Authorizing Custodian to Remain in Possession of Property of the Estate under Bankruptcy Code Section 543(d) (the “**Receiver Possession Motion**”), filed by Lender on April 28, 2023, returnable on June 6, 2023, and for good cause having been shown,

**LET** Debtor 1427 43 St LLC **SHOW CAUSE** before the Honorable Nancy Hershey Lord, on the \_\_\_\_\_ day of May, 2023, at \_\_\_\_\_ a.m./p.m., why an Order should not

be granted temporarily permitting the Receiver to remain in possession of the Property, as detailed in the Receiver Possession Motion and Emergency Motion, pending full briefing and hearing on the Receiver Possession Motion, and further directing the Debtor and its agents, representatives, employees, members, or others on Debtor's behalf, from interfering with the Receiver's possession of the Property until and unless the Receiver Possession Motion is denied and turnover of the Property is ordered by the Court, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE NOTICE** that the Hearing shall not be held in person but shall be conducted via Zoom. Those intending to appear at the Hearing must register with eCourt Appearances no less than \_\_\_\_\_ hours prior to the Hearing, or as otherwise directed by the Court, through the eCourt Appearances website: <https://ecf.nyeb.uscourts.gov/cgi-bin-eCourtAppearances.pl>.

The video link for the Hearing will be emailed to those that register with eCourt Appearances in advance of the Hearing. Instructions for registering with eCourt Appearances may be found at <https://www.nyeb.uscourts.gov/registering-remote-hearing-appearance-using-ecourt-appearances>. Those unable to access eCourt Appearances must email Judge Nancy Hershey Lord's Courtroom Deputy at: [nhl\\_hearings@nyeb.uscourts.gov](mailto:nhl_hearings@nyeb.uscourts.gov) prior to the hearing. Your email must include your name, the case number(s), who you represent (if you are an attorney), hearing date, and phone number.

**PLEASE TAKE FURTHER NOTICE** that objections to the relief requested in the Emergency Motion must be made in writing, stating with specificity the basis or bases on which such party in interest objects to the Emergency Motion, filed with the Bankruptcy Court at the Court's website [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov) (Password and Login Required), and served on the

moving party at Polsinelli PC, 600 Third Avenue, 42<sup>nd</sup> Floor, New York, New York 10016, Attn to Morgan C. Fiander, Esq., [mfiander@polsinelli.com](mailto:mfiander@polsinelli.com), so as to be received no later than \_\_\_\_\_ days before the hearing date.